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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,676	01/26/2004	Peter Rohner	13183.0037	9441

26712 7590 11/23/2010
HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO, NY 14202-4040

EXAMINER

SOLOLA, TAOFIQ A

ART UNIT	PAPER NUMBER
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1625

MAIL DATE	DELIVERY MODE
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11/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BUFFALO NY 14202-4040

In re Application of	:	
Peter Rohnert, et al	:	DECISION ON PETITION
Application No. 10764676	:	
Filed: 01/23/2004	:	
Attorney Docket No. 13183.0037	:	

This is a decision on the Resubmission of Petition to Withdraw Holding of Abandonment under 37 CFR 1.181 (a) received in the United States Patent and Trademark Office (USPTO) on November 17, 2010.

The Petition filed on November 17, 2010 is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue and Publication fees as required by and within the three-month period set in, the Notice of Allowance mailed October 29, 2008. The Issue Publication Fees were not received within the time period for response. Therefore, the application was **properly** held abandoned and the Notice of Abandonment was mailed on February 23, 2009.

A Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a) was received at the USPTO on March 4, 2009. This petition contained a copy of the PTOL 85 Part B – Fee(s) transmittal including a properly executed Certificate of Mailing or Transmission. The Certificate of Mailing or Transmission was signed and dated January 21, 2009. The petition also included a copy of the check intended for payment of the fees showing an invoice date of January 21, 2009.


The Petition filed on March 4, 2009 was properly dismissed on October 20, 2010. However, as Petitioner points out in the Petition filed on October 20, 2010, the decision did not specifically state what was lacking. The Decision dismissing the original petition did list the requirements for granting a petition under 37 CFR 1.8(a), but the decision language could have been clearer as to specifically what requirement was lacking.

The Petition filed on November 17, 2010 contains the following:

- An additional copy of the previously mailed or transmitted correspondence;
- A properly completed Certificate of Mailing or Transmission dated January 29, 2009;
- Authorization to charge the necessary fees due; and
- A statement attesting on a personal knowledge basis to the previous timely mailing, transmission or submission

The Issue and Publication fees were charged against DA 08-2442 as authorized.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.



Kimberly Terrell, Manager
Office of Data Management
Patent Publication Branch